

REMARKS/ARGUMENTS

With this amendment, claims 1, 3, 8-9, 15, 37, 41, 43, 45-52, 57, 66-67, 69-70, 72-74, 76-77, 84-85, and 117-122 are pending. For convenience, the Examiner's rejections are addressed in the order presented in a October 1, 2003, Office Action.

I. Status of the claims

Claims 59, 66, and 121 are cancelled without prejudice to subsequent revival.

Independent claim 1 is amended to recite a recombinant bacterium selected from the group consisting of *Escherichia coli* and *Salmonella enterica*. Similarly, independent claim 67 is amended to recite that the delivery bacterium is selected from the group of species consisting of *Escherichia coli* and *Salmonella enterica*. Support for these amendments is found throughout the specification, for example at page 23, lines 30-31; and page 47, lines 10-12.

These amendments add no new matter.

Claim 45 is amended to correct an obvious grammatical error. This amendment adds no new matter.

Claim 57 is amended to recite acceptor moiety rather than acceptor molecule. This amendment adds no new matter.

II. Objections to the Specification

At the request of the Examiner, Applicants have amended a paragraph at page 47 to remove hyperlinks or browser executable code.

III. Objections to the Claims

Claim 43 is objected to because of an obvious grammatical error. Applicants have amended the claim to add the word "a" before the word natural. In view of this amendment, Applicants respectfully request that the objection be withdrawn.

IV. Rejections under 35 U.S.C. §112, written description

Claims 1, 3, 8-9, 15, 37, 41, 43, 45-52, 57, 66-67, 69-70, 72-74, 76-77, and 84-85 are rejected under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification as originally filed. In the Office Action the Examiner observed that the purpose of the written description requirement is to convey to one skilled in the relevant art that the inventors had possession of the claimed invention as of the filing date.

To the extent the rejection applies to the claims as amended, Applicants respectfully traverse the rejection. Amended claims 1 and 67 are now directed to recombinant bacteria or delivery bacteria selected from the species consisting of *Escherichia coli* or *Salmonella enterica*. Applicants believe the specification provides description of the two species listed in the claims. (See, e.g., specification at page 23, lines 30-31; and page 47, lines 10-12.)

In view of the above amendments and remarks, Applicants respectfully request that the rejection under 35 U.S.C. §112, first paragraph, written description, be withdrawn.

V. Rejections under 35 U.S.C. §112, enablement

Claims 1, 3, 8-9, 15, 37, 41, 43, 45-52, 57, 66-67, 69-70, 72-74, 76-77, 84-85, and 121-122 are rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement. The test of enablement is “whether one skilled in the art could make or use the claimed invention from the disclosure in the patent coupled with information known in the art without undue experimentation” (see, e.g., MPEP §2164.01).

To the extent the rejection applies to the claims as amended, Applicants respectfully traverse the rejection. Amended claims 1 and 67 are now directed to recombinant bacteria or delivery bacteria selected from the species consisting of *Escherichia coli* or *Salmonella enterica*. The Office Action concedes that the specification provides enablement for *Escherichia coli* and *Salmonella typhimurium* bacteria.

Applicants submit that *S. typhimurium* is a serovar (serological variant) of *S. enterica*. It is submitted that claims should be allowable across serovars of *S. enterica* because, as is known to those of skill, the vast majority of the serovars have the same core LPS structure. Thus, the great variation of core structures that the Examiner contemplates for gram negative

enteric organisms in the Office Action, is not present in the various serovars of *S. enterica*, and it is submitted that the amended claims meet the enablement requirement, given the knowledge of those of skill in the art and the experimental data provided.

In view of the above amendments and remarks, Applicants respectfully request that the rejection under 35 U.S.C. §112, first paragraph enablement be withdrawn.

VI. Rejections under 35 U.S.C. §112, second paragraph

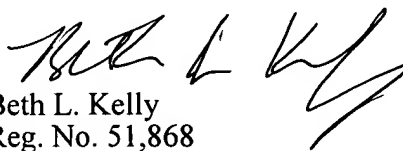
Claim 57 is rejected as allegedly being indefinite for reciting the term "acceptor molecule". In order to expedite prosecution, Applicants have amended claim 57 to recite acceptor moiety. In view of this amendment, Applicants respectfully request that the rejection under 35 U.S.C. §112, second paragraph be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


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Attachments
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